



*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

February 2, 2023

The Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square, Courtroom 518
New York, New York 10007

Re: *United States v. Sayfullo Habibullaevic Saipov*, S1 17 Cr. 722 (VSB)

Dear Judge Broderick:

In its opinion and order dated January 24, 2023, (Dkt. 691), the Court directed the parties to inform the Court “how they wish to proceed on the Future Dangerousness factor . . . , and in particular whether the Government will file an amended notice of intent narrowing this factor or whether the parties believe it can be appropriately dealt with using a limiting instruction.” The parties have conferred and jointly propose the following instruction in bold, which would be added to page 9 of the preliminary instructions (Dkt. 566-1) and page 26 of the concluding instructions (Dkt. 566-2) previously submitted to the Court:

Mr. Saipov is likely to commit criminal acts of violence in the future such that he poses a continuing and serious threat to the lives and safety of others as demonstrated by, among other things, his commission of the acts of violence charged in the Indictment, his stated intent to continue his attack in New York City had his truck not been rendered inoperable, and his continued support for the radical terrorist activities and goals of ISIS, which include the killing of U.S. nationals. **In deciding whether this alleged aggravating factor has been proven, you must understand and accept that if he is not sentenced to death, Mr. Saipov will be in prison for the rest of his life, with no possibility of release. You must consider only the danger that Mr. Saipov may present in prison.**

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: _____/s/
Andrew Dember
Amanda Houle
Jason A. Richman
Alexander Li
Assistant United States Attorneys